

REMARKS

Favorable and prompt allowance of the pending claims in the application is respectfully requested on the basis of the following particulars.

1. In the claims

In the AMENDMENT TO THE CLAIMS, independent claims 12, 22 and 23 are each amended. The remaining claims depend from claim 12, and remain unchanged.

Claim 12 is amended to clarify that the bodyside surface is “generally planar” and defines the “outermost surface on a proximal side of the dressing intended to be directly placed adjacent a wound surface.” In addition, proximal surfaces for both the first and second facing layers are each defined as having a proximal surface. Claim 12 requires that the proximal surfaces are co-planar and the bodyside surface consists of such first and second facing layers. Lastly, claim 12 requires that the second facing layer is a hydrophobic gel of the type previously recited in claim 22.

Support for the amendatory language in claim 12 is found in Figs. 2, 14 and 15, and in the corresponding sections in the written description.

Claim 22 is amended to clarify the bodyside surface in the same manner as in amended claim 12. Further, the facing layer is described as being “silicone” and is identified as forming the entirety of the bodyside surface of the dressing. Support for this amendatory language is found in Figs. 17 and 18, and the corresponding sections in the written description at least on pages 27 and 28.

Claim 23 is amended to clarify the bodyside surface in the same manner as in amended claims 12 and 22. In addition, the absorbent core is qualified as being “polymeric foam based” and the facing layer is qualified as being a “moisture and liquid impervious material.” Support for this amendatory language is found in the written description on page 13, and page 20, last paragraph.

It is submitted that the amendment to the claims does not introduce new matter into the application. Entry of the amendment to the claims is respectfully requested in the next Office communication.

2. Prior art rejections

Reconsideration of the rejection of the claims is courteously petitioned in view of the amendment to the claims and the following remarks concerning each of the independent claims 12, 22 and 23.

a. Claim 12

Claim 12 is currently rejected as being obvious over U.S. patent 7,005,143 (*Abuelyaman*). Pending claims 14-20 depend from claim 12 and are patentable based on their dependency from claim 12 and their individual features combined with those of claim 12 and any other claims from which they depend.

Turning to amended claim 12, this claim more aptly defines what is meant by the term "bodyside." From the amendment, it clear that the bodyside surface is generally planar and defines the outermost surface on a proximal side of the dressing intended to be directly placed adjacent a wound surface. The claim further requires that the first and second facing layers have proximal surfaces that are co-planar with one another, and which form the entirety of the bodyside surface of the dressing. The second facing layer is particularly recited as being a hydrophobic gel.

In effect, the first and second facing layers of amended claim 12 are different from one another, yet they together form the bodyside surface of the wound dressing. Additionally, the first facing layer is only secured to the backing layer, and the second facing layer is secured directly to the absorbent core.

Contrary to claim 12, *Abuelyaman* does not describe two different facing layers which are co-planar, and form the entirety of the bodyside surface of the wound dressing. Indeed, in observing Fig. 1, while the facing layer 20 is secured to the gel layer 12, and the backing layer 18, the adhesive layer 26 is only secured to the facing

layer 20. It is clear that the facing layer 20 and the adhesive layer 26 are not at all constructed with the gel layer 12 and the backing layer 18 of *Abuelyaman* in the same manner required by amended claim 12.

There is also no teaching provided by *Abuelyaman* of providing a perforated facing layer that is constructed from a hydrophobic gel. Indeed, *Abuelyaman* particularly discloses that the gel layer 12 serves as the absorbent core, and it specifically is considered to be a hydrophilic gel (see Col. 1, line 1 – Col. 2, line 13). Further, the facing layer 20 is described by *Abuelyaman* as being “spysorbent” which includes the property of being hydrophilic (see Col. 17, line 2 – Col. 18, line 35).

From the construction of *Abuelyaman*, one having ordinary skill in the art of wound dressings and materials processing would not understand to make a wound dressing having the particular construction of the first and second layers of amended claim 12.

As such, withdrawal of the rejection of claims 12 and 14-20 is respectfully requested in view of the amendment to claim 12.

b. Claim 22

Claim 22 is currently rejected as lacking novelty in view of *Abuelyaman*.

As mentioned above, claim 22 now requires that the facing layer be formed from a hydrophobic silicone gel, and that the silicone facing layer forms the entirety of the bodyside of the wound dressing which is defined as the outermost surface on a proximal side of the wound dressing.

On the contrary, the adhesive layer of 26 of *Abuelyaman* is not a hydrophobic silicone gel. *Abuelyaman* provides numerous examples of adhesives that may be used as the adhesive layer 26, however in none of the examples is there any reference to silicone gel (see Col. 18, line 49 through Col. 19, line 52). While there is mention of

"silicone" in *Abuelyaman*, such silicone is in reference to silicone paper which is used to as a release liner that covers the adhesive layer for storage (Col. 19, lines 29-38).

It will be further pointed out that the facing layer of claim 22 is required as being directly secured to both the backing layer and the absorbent core, and effectively no other layer other than the silicone gel facing layer is found between a wound site, and the backing layer and the absorbent core.

It is clear from these observations that *Abuelyaman* fails to disclose or hint at teaching every feature required by amended claim 22. Accordingly, withdrawal of this rejection is respectfully requested.

c. Claim 23

Claim 23 is currently rejected as lacking novelty in view of *Abuelyaman*.

As mentioned above, claim 23 now requires that the absorbent core is polymeric foam, and that the facing layer is liquid and moisture impervious. Further, the facing layer forms the entirety of the bodyside of the wound dressing which is defined as the outermost surface on a proximal side of the wound dressing.

First, regarding the absorbent core, it is clear from *Abuelyaman* that the equivalent to an absorbent core is a "transparent gel material that includes a polymerized poly(alkylene oxide) macromonomer." This gel of *Abuelyaman* is clearly not the same as polymeric foam, and there is no teaching in *Abuelyaman* that would motivate one to replace the gel layer with foam.

Next, the facing layer of amended claim 23 is particularly described as being a moisture and liquid impervious material. The facing layer 20 of *Abuelyaman* is clearly described as being "permeable to wound exudate" which is in contradistinction to the facing layer of claim 23 (see Col. 19, lines 60-63). There is no mention of the adhesive layer 26 of *Abuelyaman* being both moisture and liquid impervious.

Lastly, the facing layer of amended claim 23, being directly secured to the absorbent core and the backing layer must form the bodyside surface of the wound dressing which is now more clearly defined as being the outermost surface on the proximal side of the dressing. Obviously, the facing layer 20 of *Abuelyaman* does not form the outermost surface of the dressing. The adhesive layer 26, on the other hand, is not directly secured to the backing layer 18 or the gel layer 12 of the dressing in *Abuelyaman*.

It is clear from these observations that *Abuelyaman* fails to disclose or hint at teaching every feature required by amended claim 23. Accordingly, withdrawal of this rejection is respectfully requested.

3. Conclusion

As a result of the amendment to the claims, and further in view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that every pending claim in the present application be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicants' attorney, the examiner is invited to contact the undersigned at the numbers shown below.

BACON & THOMAS, PLLC  
625 Slaters Lane, Fourth Floor  
Alexandria, Virginia 22314-1176  
Phone: (703) 683-0500  
Facsimile: (703) 683-1080

Date: July 31, 2007

Respectfully submitted,



JUSTIN J. CASSELL  
Attorney for Applicants  
Registration No. 46,205